

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

JUL 07 2008

CERTIFIED MAIL – 7001 2510 0005 3344 2890
RETRUN RECEIPT REQUESTED

Mr. Tom Smith
Greenleaf, L.L.C.
13960 Palm Road
Neosho, MO 64850

NOTICE OF VIOLATION #5586E

Dear Mr. Smith:

On May 15, 2008, representatives of the Missouri Department of Natural Resources' Southwest Regional Office and the department's Hazardous Waste Program, conducted a site visit to evaluate concerns with the management and storage of agricultural chemicals at Greenleaf, L.L.C. (Greenleaf), facilities located at 13960 Palm Road in Neosho, Missouri, and South Business Highway 71 in Pineville, Missouri. As a result of the inspection, violations of Missouri Hazardous Waste Laws and Regulations were identified. Due to violations found at the Pineville facility, Notice of Violation (NOV) #5586E is being issued to Greenleaf. A detailed explanation of the violations identified and the site visit memo are enclosed.

Violations noted previously at Greenleaf's Neosho facility continue, although some improvements in organization at the facility have been made. An NOV for the Neosho facility will not be issued at this time regarding these outstanding violations. The department hopes that the Site Action Plan submitted by EQ Environmental will return the facilities to compliance.

Within 15 days of receipt of this letter, a written response to each violation listed on the enclosed NOV, is to be submitted to the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176. The response is to be very specific and provide a detailed account of the actions to be taken or provide the documentation necessary to comply with the required action. The response should also outline what changes have been implemented to ensure that future operations are in compliance with environmental laws and regulations.

Due to the serious nature of the violations identified during the inspection of the Pineville facility, these matters have been referred to the department's Hazardous Waste Program, Compliance and Enforcement Section for evaluation and resolution.

RESP RECEIVED

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RCRA



Recycled Paper

Mr. Tom Smith
Page Two

If you have questions, or wish to discuss what enforcement action may be taken, please contact Ms. Candace Bias by telephone at (573) 751-3465, or by mail at the Missouri Department of Natural Resources, Hazardous Waste Program, Compliance and Enforcement Section, P.O. Box 176, Jefferson City, Missouri 65102-0176. Violations noted previously at Greenleaf's Neosho facility continue, although some improvements in organization at the facility have been made. The department hopes that the Site Action Plan submitted by EQ Environmental will return the facilities to compliance.

Sincerely,

HAZARDOUS WASTE PROGRAM



Kathy S. Flippin
Chief
Compliance and Enforcement Section

KSF:cbm

Enclosures

c: Mr. Paul Bailey, Missouri Department of
Agriculture, Bureau of Pesticide
Ms. Beth Koesterer, EPA Region 7
Southwest Regional Office
Ms. Mary Jane Wingett, EPA



STATE OF MISSOURI
MISSOURI DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF VIOLATION PURSUANT TO REQUIREMENTS OF THE MISSOURI
HAZARDOUS WASTE MANAGEMENT LAW, RULES AND REGULATIONS**

FACILITY NAME Greenleaf, L.L.C.		NOTICE OF VIOLATION NUMBER 5586E	
ADDRESS South Business Highway 71	CITY Pineville	STATE MO	ZIP CODE 64856
EPA ID NUMBER NONE	MISSOURI ID NUMBER NONE	DATE OF INSPECTION May 15, 2008	

During an inspection and/or a review of information or documentation completed this date to determine compliance with the requirements of the Missouri Hazardous Waste Management Law, Sections 260.350-260.550, RSMo and/or the Rules and Regulations at 10 CSR 25, the following violations were identified. The 40/49 CFR regulations cited below have been adopted by reference in the Missouri Hazardous Waste Regulations.

CITATION	DESCRIPTION OF VIOLATION
10 Code of State Regulations (CSR) 25-5.262(1) incorporating 40 Code of Federal Regulations (CFR) 262.11	Failure of a generator of a solid waste to determine if that waste is a hazardous waste.
Section 260.390.1(1) Revised Statutes of Missouri (RSMo)	Operation as a treatment/storage or disposal facility without prior approval from the department.
Section 260.380.1(1) RSMo and 10 CSR 25-5.262(2)(A)	Failure to register as a hazardous waste generator.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.171	Failure to store hazardous waste in containers in good condition.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.173(a)	Failure to keep containers of hazardous waste closed during storage.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3)	Containers not marked "Hazardous Waste."
10 CSR 25-5.262(2)(C)1	Containers not packaged/labeled/marked per Missouri Department of Transportation (DOT) regulations during entire on site storage period.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2)	Failure to include the beginning date of accumulation on containers of hazardous waste.
10 CSR 25-5.262(2)(C)2.C.(I) and (II) referencing 40 CFR 265.174.	Failure to inspect and maintain the facility weekly.
10 CSR 25-5.262(2)(C)2.C.(II)	Failure to conduct a daily inspection of areas subject to spills, i.e. waste handling areas.
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.35	Failure to provide adequate aisle space.

This information is provided to call your attention to those areas of noncompliance at the earliest possible time. This notice does not constitute a compliance order issued pursuant to Section 260.410, RSMo and may not be a complete listing of all violations which may be identified as a result of this inspection.

The owner/operator is hereby requested to **submit in writing within 15 days of receipt of this notice** a description of all corrective actions taken and/or a schedule for completion of necessary corrective actions to be taken to: Ms. Kathy Flippin, Chief, Hazardous Waste Program, Enforcement Section, Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102, with a copy to the Southwest Regional Office 2040 West Woodland, Springfield 65807-5912.

If you have any questions about this notice or wish to discuss your response, you may call me at (573) 751-3465.

Signature of Preparer:

Printed Name of Preparer: Ms. Candace Bias

Date:

JUL 07 2008

The undersigned person hereby acknowledges that he/she received a copy of this Notice and has read same.

SIGNATURE (PERSON RECEIVING NOTICE) Copy Sent via Certified Mail 7001 2510 0005 3344 2890	PRINTED NAME (PERSON RECEIVING NOTICE) Mr. Tom Smith, Greenleaf, L.L.C.
TITLE OR POSITION	DATE

HAZARDOUS WASTE VIOLATIONS:

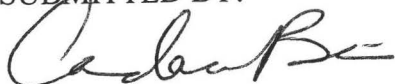
- 1) Failure of a generator of a solid waste to determine if that waste is a hazardous waste; 10 Code of State Regulations (CSR) 25-5.262(1) incorporating 40 Code of Federal Regulations (CFR) 262.11. The facility must use either knowledge of the waste or analytical testing to determine if the waste is hazardous and the correct disposal methods of wastes generated. The following materials are wastes that have not undergone an accurate determination: floor sweepings, spilled materials, aerosol cans, and waste pesticides.
- 2) Operation as a treatment/storage or disposal (TSD) facility without prior approval from the department; Section 260.390(1) Revised Statutes of Missouri (RSMo). Greenleaf in Pineville received hazardous waste (pesticides containing carbaryl, a U279 listed hazardous waste, and pesticides containing zinc phosphide, a U249 listed hazardous waste) from the Greenleaf facility in Neosho. The transfer of pesticides from Neosho to Pineville is operation of a TSD facility without a permit.
- 3) Failure to register as a hazardous waste generator; Section 260.380.1(1) RSMo. and 10 CSR 25-5.262(2)(A). The Missouri Hazardous Waste Management Law and regulations require anyone who generates a regulated quantity of hazardous waste to submit a notification form and to update it when there are changes. The Greenleaf facility in Pineville is a generator of hazardous waste in regulated quantities but is not currently registered as a hazardous waste generator.
- 4) Failure to store hazardous waste in containers in good condition; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.171. If a container is noted to be in poor condition or begins to leak, the contents must be transferred to a container that is in good condition. Numerous boxes of hazardous waste pesticides were damaged and broken, including boxes which held U279 and U249 listed hazardous wastes.
- 5) Failure to keep containers of hazardous waste closed during storage; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.173(a). All waste containers must be closed in such a way as to prevent spillage, minimize volatilization and minimize employee contact with the waste. Containers of Sevin, a pesticide with the sole active ingredient carbaryl (a U279 listed hazardous waste), were not closed. A container of Sweeney's Poison Peanuts Mole and Gopher Bait and Grant's Sure Stop Gopher Killer Pellets, which both contain the sole active ingredient zinc phosphide (a U249 listed hazardous waste), was not closed. This does not meet the definition of closed container.
- 6) Failure to clearly mark containers as hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3). The containers of U279 and U249 listed hazardous waste were not marked "Hazardous waste".
- 7) Failure to package/label/mark waste per Missouri Department of Transportation (DOT) regulations during the entire on site storage period; 10 CSR 25-5.262(2)(C)1. The containers of U279 and U249 listed hazardous waste were not labeled per DOT during the entire on site storage period.
- 8) Failure to include the beginning date of accumulation on containers of hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2). The beginning date of accumulation must be provided on all containers of hazardous waste during the entire on site storage period. The containers of U279 and U249 listed hazardous waste were not identified with a date of when it was determined to be wastes.

HAZARDOUS WASTE VIOLATIONS:

Page Two

- 9) Failure to inspect and maintain the facility (weekly); 10 CSR 25-5.262(2)(C)2.C.(I) and (II) referencing 40 CFR 265.174. The regulations require that the inspection identify the types of problems that are to be looked for, identify the person making the inspections, a notation of observations and the date of any repairs or remedial actions. Inspections were not done of waste storage areas at Greenleaf.
- 10) Failure to conduct a daily inspection of areas subject to spills, i.e. waste handling areas; 10 CSR 25-5.262(2)(C)2.C.(II). No daily inspections were being conducted and hazardous waste handling areas were not identified. Numerous spills were apparent throughout the facility and were not cleaned up. Spills that were cleaned up were aggregated into large super sacks without regard to the source of the spill.
- 11) Failure to provide adequate aisle space; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.35. Hazardous waste must be stored so that there is adequate aisle space to allow the unobstructed movement of personnel and emergency equipment in and around the containers. The pallets, containers, and boxes were stored in such a manner as to obstruct the movement of personnel and emergency equipment.

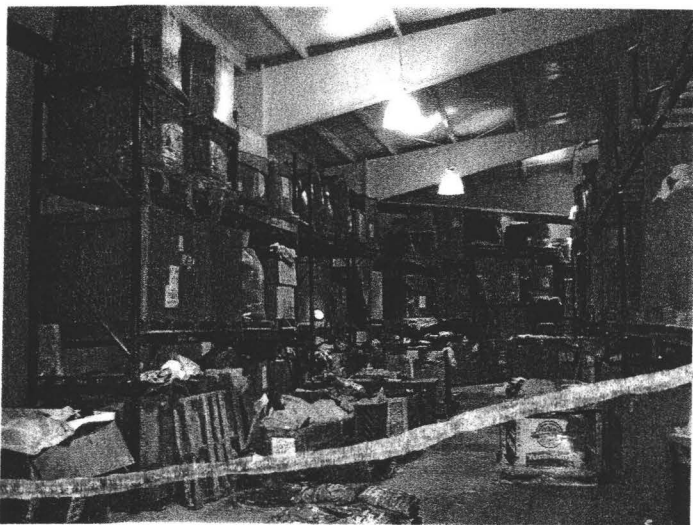
SUBMITTED BY:



Candace Bias
Environmental Specialist III
Enforcement Unit
Hazardous Waste Program

CB:ml

**Photographs for Site Memo
Greenleaf, L.L.C.
Neosho and Pineville, MO**



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of the area behind the show room. Gaylord boxes are stacked three high to the ceiling. The only boxes that could be observed were the ones at eye level.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

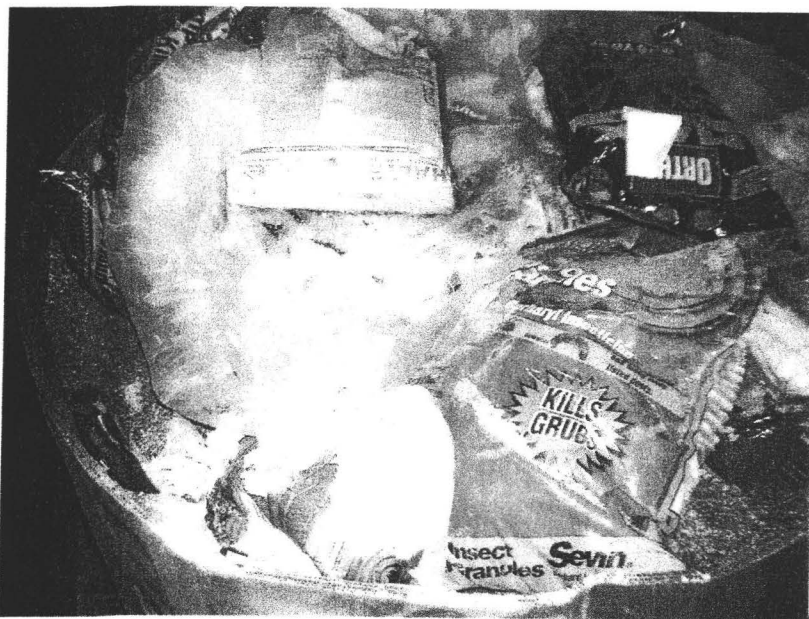
View of spilled pesticide in Building 1.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 1
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 View of spills on the floor of Building 1.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 1
 MOR000526152 and 042018
 13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
 View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

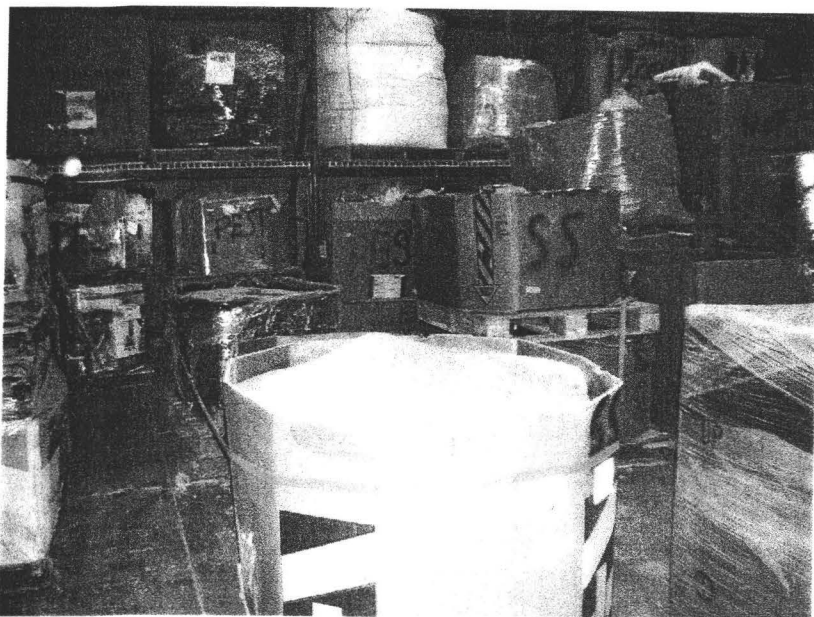
Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

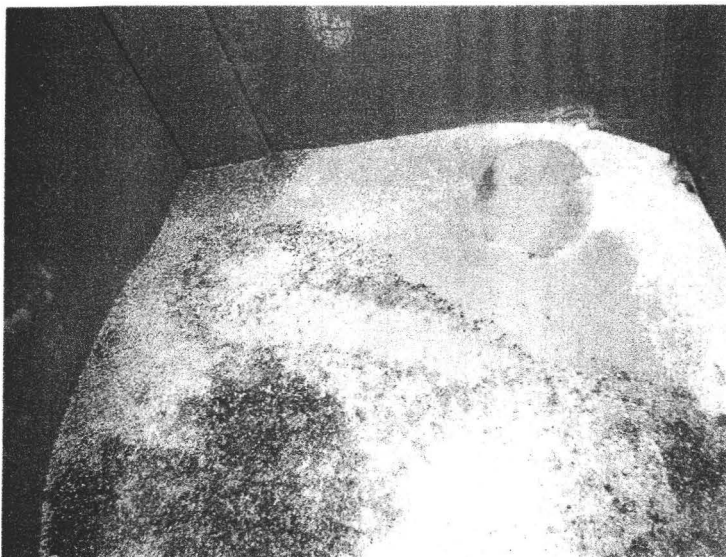
Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of Stop Sale, Use or Removal pesticides in Building 1.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of Stop Sale, Use or Removal pesticides in Building 1. Note the coloration and grain size of the pesticides indicating that it is a mixture from several sources.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 1

MOR000526152 and 042018

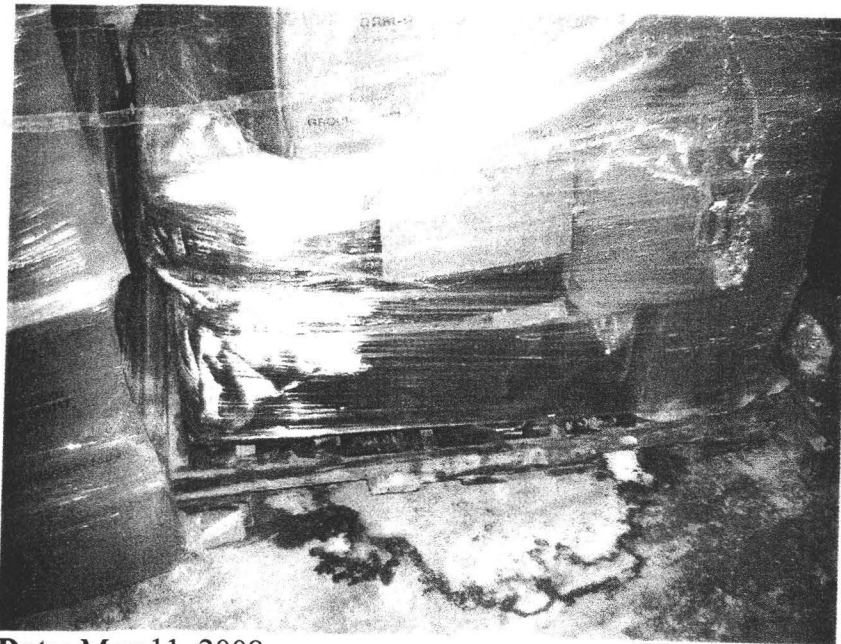
13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

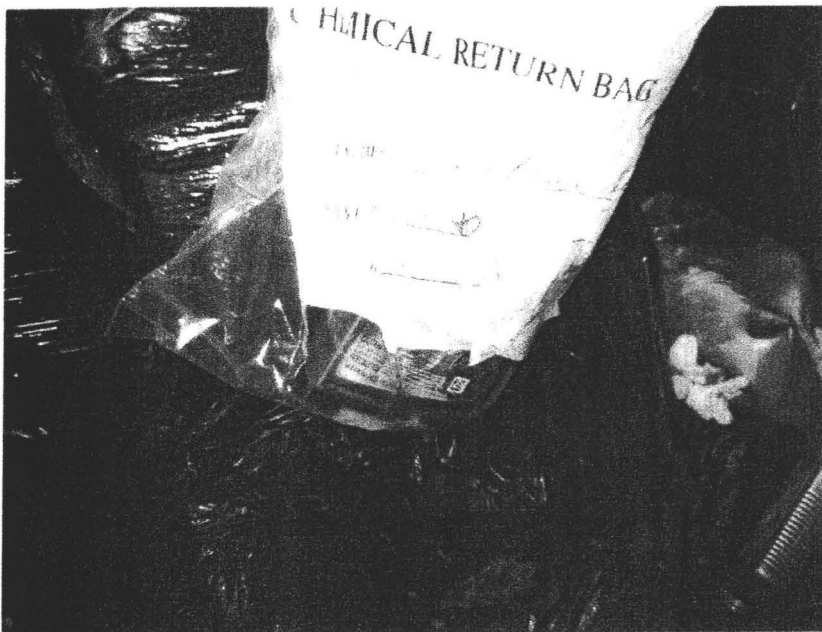
View of Stop Sale, Use or Removal pesticides in Building 1. The dry white powder and labeling as "5% Insect Dust" is consistent with the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 2
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
Drums of liquid in Building 2.



Date: May 11, 2008
Site: Greenleaf, L.L.C., Building 2
MOR000526152 and 042018
13960 Palm Road, Neosho, MO 64850
Photographer: Candace Bias
Evidence of spills from the liquid containers in Building 2. Note that the box at the bottom of the pallet is dark brown due to liquids soaking the box.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of liquid pesticide in Building 2. Note that it is leaking and the bag is wet.



Date: May 11, 2008

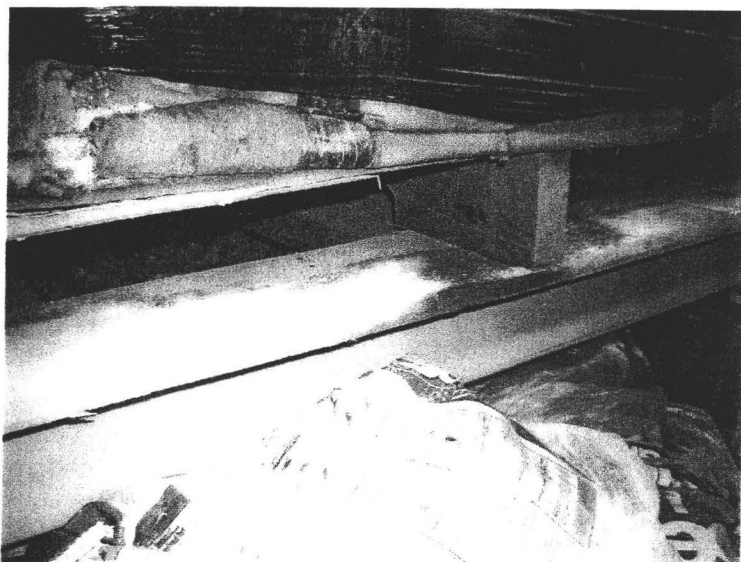
Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View aerosol cans in Building 2.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of dry spill on west side of Building 2. The dry white powder next to a bag of Sevin is likely Sevin pesticide, which is a listed hazardous waste when disposed.



Date: May 11, 2008

Site: Greenleaf, L.L.C., Building 2

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of boxes labeled "Free Pest" on the west side of Building 2. Note the inadequate aisle space.



Date: May 11, 2008

Site: Greenleaf, L.L.C.,

MOR000526152 and 042018

13960 Palm Road, Neosho, MO 64850

Photographer: Candace Bias

View of trailer in parking lot that contains pesticides removed from Building 2.

Greenleaf, Pineville



Date: May 11, 2008

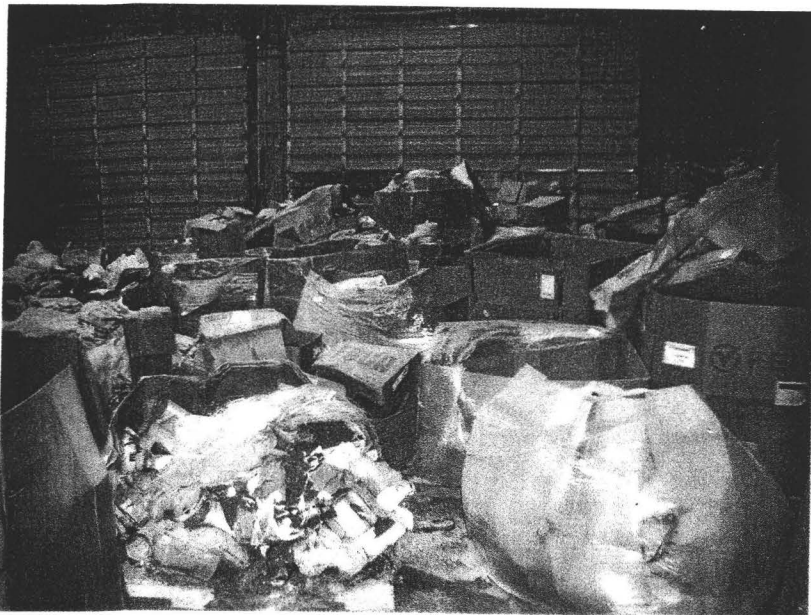
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

Overview of the facility.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

Overview of pesticide area. Note the damaged boxes and lack of organization.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of Sweeney's Poison Peanuts Mole and Gopher Bait and Grant's Sure Stop Gopher Killer Pellets. Both pesticides contain the active ingredient zinc phosphide, a U249 listed hazardous waste at this concentration. This hazardous waste is not properly managed. Zinc phosphide can also produce gas that is dangerous to humans if it becomes wet.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills.



Date: May 11, 2008

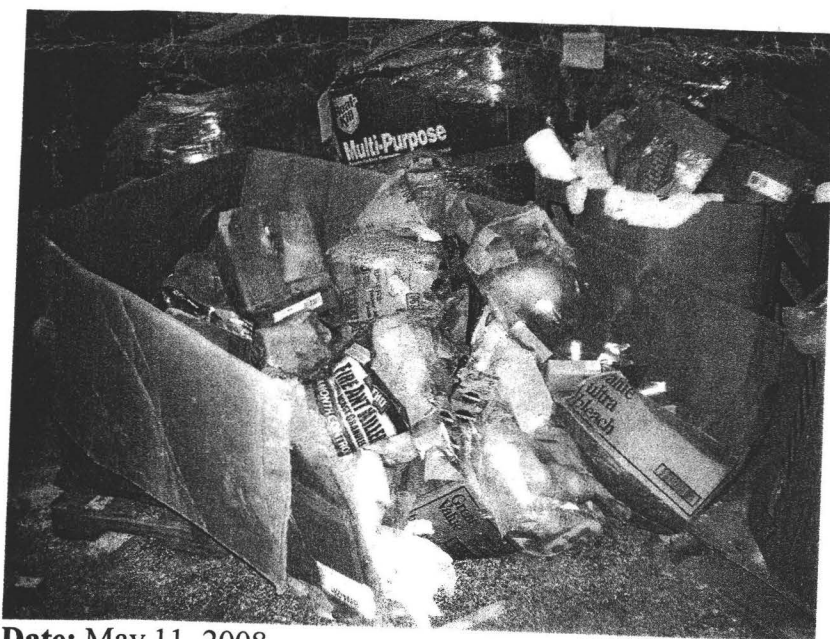
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and the mixing of pesticides in boxes.



Date: May 11, 2008

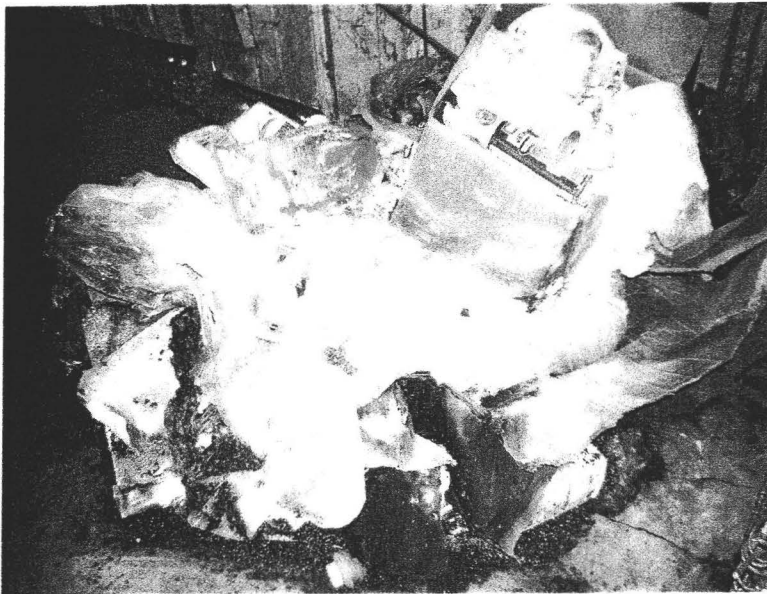
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and mixing of pesticides in boxes.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and box in poor condition due to exposure to the elements.



Date: May 11, 2008

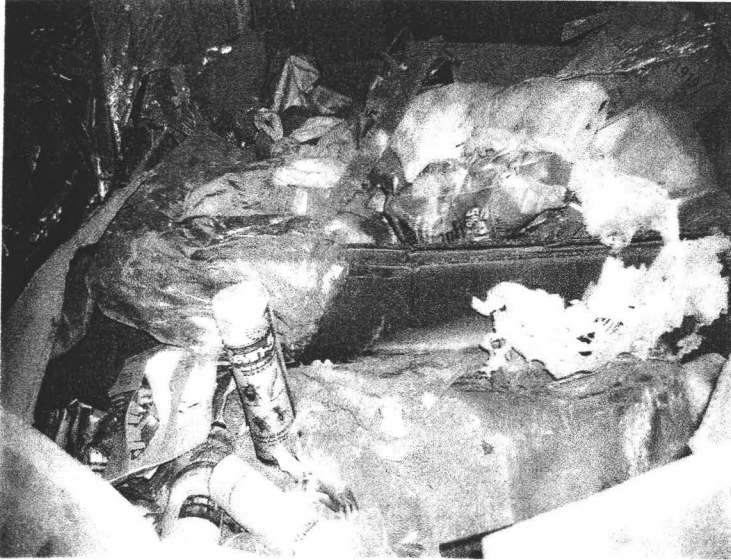
Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of spills and box in poor condition due to exposure to the elements.

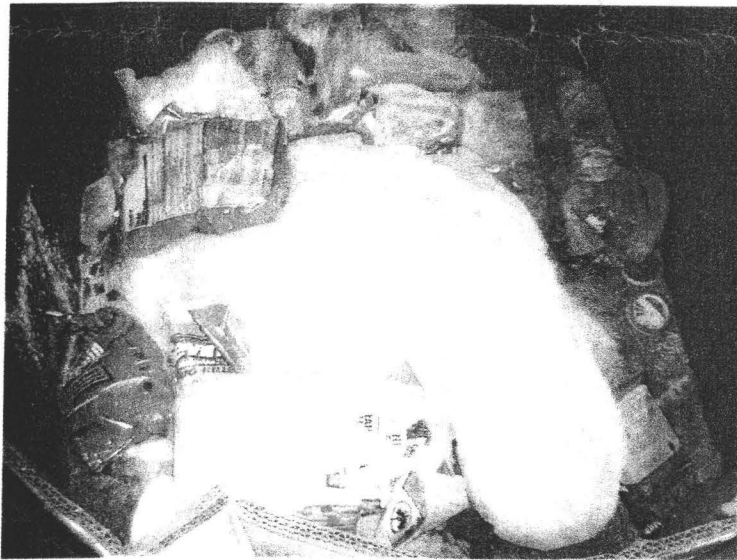


Date: May 11, 2008

Site: Greenleaf, L.L.C.
South Business Highway 71
Pineville, Missouri

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

Site: Greenleaf, L.L.C.
South Business Highway 71
Pineville, Missouri

Photographer: Candace Bias

View of the pesticide Sevin, containing the active ingredient carbaryl. Carbaryl is a U279 listed hazardous waste. This hazardous waste is not properly managed.



Date: May 11, 2008

Site: Greenleaf, L.L.C.

South Business Highway 71

Pineville, Missouri

Photographer: Candace Bias

View of floor sweepings.